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7 **UNITED STATES DISTRICT COURT FOR THE**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 UNITED STATES,

11 Plaintiff,

No. CR21-5385 BHS

12 vs.

[PROPOSED] ORDER RE
DEFENDANT'S SECOND
MOTIONS IN LIMINE

13
14 JOSEPH ANTHONY TURREY,

15 Defendant.
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18 Having reviewed the Defendant's Motions *in Limine* and the record herein,
19 this Court hereby makes the following Orders for the reasons stated by defense:
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- 21
- 22 1. To prohibit prosecution from arguing that the defendant's attorney would
23 not have failed to present favorable evidence if such evidence existed.
 - 24 2. prohibit reference or argument to the Defendant's failure to call any
25 witness.
 - 26 3. To preclude/limit the prosecution from introducing into evidence hearsay
27 statements, pursuant to ER 801(d)(1)(B).
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4. To prohibit testimony by any witness who cannot accurately perceive, remember, and relate; Defense should be permitted to *voire dire* E.T. with respect to her competency to testify, outside the presence of the jury. In the alternative, defense asks this Court to do so.
5. To preclude any witness from consulting with counsel during any break/recess in their testimony.
6. To prevent the Government in its opening statement, or closing argument, to express its opinion about the credibility of any witness or the guilt/innocence of the accused.
7. To prohibit any mention by the Government or any witness that the defendant has retained counsel.
8. To prevent the Government from asking any witness to judge whether or not another witness is lying.
9. To preclude the Government's adult witnesses from bringing a "therapy dog" into the courtroom during their testimony.
10. To preclude testimony by Government witnesses with respect to unfounded allegations of Defendant's abuse of alcohol.
11. To exclude testimony that I.T. saw E.T. crying in the hallway, at some unknown date and time.
12. To preclude counsel from any reference to motions *in limine* or the court's ruling on these motions.

DATED this ____ day of January, 2023.

Hon. Judge Settle

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant and the Government.

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